

RESOLUTION
ESTABLISHING AN OPEN MEETINGS POLICY
FOR THE CITY OF ALBUQUERQUE
BOARD OF ETHICS
PURSUANT TO THE OPEN MEETINGS ACT
SECTION 10-15-1 et seq., NMSA 1978

WHEREAS, the City of Albuquerque Board of Ethics & Campaign Practices (hereinafter "Ethics Board") met in a regular session at Albuquerque, New Mexico, on February 13, 2008, at 3:00 p.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Ethics Board to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS, Section 10-15-1(C) of the Open Meetings Act permits the Ethics Board to allow for participation by an absent member by conference call.

NOW, THEREFORE, BE IT RESOLVED by the Ethics Board that:

1. All meetings shall be held in the City Council/Commission Chambers, Albuquerque/Bernalillo County Government Center, 1 Civic Plaza, Albuquerque, New Mexico, in a room indicated in the meeting notice.
2. The agenda will be available at least twenty-four (24) hours prior to the meeting from the Board's secretary, whose office is located in the City of Albuquerque, City Clerk's Office, Albuquerque, New Mexico 87102, and shall be posted on the City Council Notice Board in the lobby of the first floor of City Hall. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Ethics Board will avoid emergency meetings whenever reasonably possible. Emergency meetings may be called by the Chairperson or a majority of the members upon twenty-four (24) hour notice, unless threat of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is posted in the location shown in paragraph 2. The Ethics Board's secretary shall also mail copies of the written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements shall be met by posting notice of the date, time, place and agenda on the City Council Notice Board in the lobby of the first floor of City Hall. The Ethics Board's secretary shall also provide telephone notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

7. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Board Secretary at the Office of the City Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Board Secretary at the Office of the City Clerk if a summary or other type of accessible format is needed.

8. The Ethics Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Ethics Board taken during the open

meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

(b) If the decision to hold a closed meeting is made when the Ethics Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Ethics Board in an open public meeting.

9. A member of the Ethics Board may participate in a meeting by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Ethics Board who speaks during the meeting.

PASSED AND ADOPTED THIS 13th DAY OF February, 2008.
BY A VOTE OF: 7 FOR AGAINST.



Robert P. Tinnin, Jr., Chairman
Board of Ethics & Campaign Practices